



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,912	07/23/2008	Christophe Maerky	17286/006001	3946
22511	7590	05/12/2011		
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER NGUYEN, VINH P	
			ART UNIT 2858	PAPER NUMBER
			NOTIFICATION DATE 05/12/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com

hathaway@oshaliang.com

kennedy@oshaliang.com

Office Action Summary

Application No.

10/588,912

Applicant(s)

MAERKY ET AL.

Examiner

VINH P. NGUYEN

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTC-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Claims 6-7 are objected to because of the following informalities:

In claim 6, it is unclear how “a detection range for which the signal from the detector is linear” is determined or defined. Furthermore, it is unclear what is meant by “the signal from the detector is linear”? does it mean that the signal from the detector is zero.

The dependent claims not specifically address share the same indefiniteness as they depend from objected base claims.

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al (EP 1120626 cited by Applicants on the PTO-1449).

As to claim 1, Kono et al disclose a magnetic angular-position sensor as shown in figures 1-2 mounted between two carrier elements (22,33) that are movable in rotation relative to each other about an axis of rotation, the sensor comprising firstly a magnetic member (24,27) defining a working zone (28) in which there extends a magnetic field having field lines perpendicular to the axis of rotation, and secondly a detector member comprising at least one

probe (31) extending in the working zone (28) of the magnetic member (24,27) in order to provide a signal as a function of the angular orientation of the probe (31) relative to the field lines in the working zone, the sensor being characterized in that wherein the magnetic member comprises two parallel magnet segments (27) and rotor core (24) extending perpendicularly to the magnet segments (27) and covering the ends thereof. Kono et al do not mention that the rotor cores (24) as two elongate pole pieces of ferromagnetic material. However, since the rotor cores (24) concentrate the magnetic flux from the magnets (27), therefore they are considered as "pole pieces". Furthermore, since the pole pieces (24) made of iron and this material is considered as "ferromagnetic material". It is noted that the arrangement of the the magnetic member (24,27) includes both magnetic members (27) and pole pieces (24) forms an enclosing case as shown in figure 1 of Kono et al , therefore the arrangement of the magnets (27) and the pole pieces (24) are considered as a frame so that field lines are parallel.

As to claim 2, the magnet segments (27) are bar magnets (see column 6, Paragraph # 0035).

4. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose the pole pieces have chamfered ends as recited in claim 3. The prior art does not disclose the magnetic member comprises a U-shaped magnet having

flanges forming the magnet segments and a web forming a bottom for the magnetic member as recited in claim 4. Claim 5 depend from claim 4, it is also objected.

5. Applicant's arguments filed on have been fully considered but they are not persuasive.

Applicants argued that the magnetic member (24,27) of Kono et al (EP# 1120626) fail to disclose a magnetic member that comprises the form of a frame so that field lines are parallel.

Examiner considered that frame is defined as an enclosing case or border into which something is fitted. The magnetic member (24,27) includes both magnetic members (27) and pole pieces (24) forms an enclosing case as shown in figure 1 of Kono et al , therefore the arrangement of the magnets (27) and the pole pieces (24) are considered as a frame. Therefore, the prior art reference Kono et al meet the limitations of claims 1-2.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engel et al (pat # 5,581,179) disclose hall effect ferrous article proximity sensor assembly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is 571-272-1964. The examiner can normally be reached on 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Phan can be reached on 571-272-7924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINH P NGUYEN/
Primary Examiner
Art Unit 2858